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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,082	09/03/2003	Naoto Izumo	IZUM3001/JEK	1973

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EXAMINER

PRETLOW, DEMETRIUS R

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/653,082	Applicant(s) IZUMO ET AL.	
	Examiner Demetrius R. Pretlow	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2003.
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1, 2, 4, 6, 8-12, 15-17 is/are rejected.
 7) ☒ Claim(s) 3, 5, 7, 13, 14 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 02 September 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/2/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9-12, 15-17 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: The control program, recording medium, and moisture meter.

Claim Objections

Claims 1, 3-5, 7, 13 and 14 are objected to because of the following informalities:

In claim 7, lines 5-6, --the required mass-- and --the measurement accuracy-- lacks antecedent basis.

In reference to claim 5, line 4 --the measurement accuracy—lacks antecedent basis.

It is unclear to the Examiner as to what is meant by measurement accuracy, throughout the disclosure applicant mentions accuracy with weight, mass. What is meant by measurement accuracy ? No art has been applied to claims 5 or 7.

In reference to claim 1, line 15, the term suitable appears to be indefinite.

In reference to claim 3, line 7, the term suitable appears to be indefinite.

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In reference to claim 4, line 5, the term suitable appears to be indefinite.

Claims 13 and 14 are objected to for depending on an objected claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4,8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Parkes et al. (US 4,750,273). Parkes et al. teach a moisture percentage detection step of sequentially raising the heating temperature gradually and heating a sample for a preliminary test to detect the change of moisture percentage; Note column 11, lines 33-53. Parkes et al. teach a parameter detection step of detecting a parameter of a time function (as in a waiting period is initiated in proportion to the difference between the measured content and the desired moisture content) indicating the change of the moisture percentage according to the change of moisture percentage detected in the moisture percentage detection step; and Note column 11, lines 33-53. Parkes et al. teach a temperature select step of selecting the temperature suitable for heating the sample according to the parameter. (as in determining the temperature so as to prevent cooking) Note column 12, lines 17-27.

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In reference to claim 2, in the temperature select step, the temperature suitable for heating is selected according to the change of the parameter between the heating temperatures sequentially raised gradually. Note column 11, lines 42-54.

In reference to claim 8, Parkes et al. teach a an informing means for informing an operator of the processing result. Note column 11, lines 54-56.

In reference to claim 9, Parkes teach the control program is for use in the control method for a moisture meter. Note abstract lines 8-11.

In reference to claim 4, Parkes et al. teach a heating time calculation step of calculating the time required for heating by the parameter based on the temperature suitable for heating. Note column 17, lines 11-13 and claim 40, lines 31-32.

In reference to claim 10, Parkes et al. teach a digital computer for controlling the moisture meter, thus a recording medium recording the control program would be part of the digital computer. Note abstract lines 8-11.

In reference to claim 11, Parkes et al. teach a condition (moisture) provided for measurement is calculated by the control method for the moisture meter. Note column 11, line 50-51.

In reference to claim 12, Parkes et al. teach an informing means for informing an operator of the processing result. Note column 11, lines 54-56.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parkes et al. in view of Hayakawa et al. (US 5,257,532). Parkes et al. teach the limitations above.

Parkes et al. does not teach the time function is a natural algorithm.

Hayakawa et al. teach the time function is a natural algorithm. Note Hawakawa et al. abstract lines 1-11.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Parkes et al. to include the teaching of Hawakawa et al. because it would help calculate the temperature characteristics of a material. Note Hawakawa et al. column 4, lines 61-67.

Allowable Subject Matter

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Demetrius R. Pretlow whose telephone number is (703) 272-2278. The examiner can normally be reached on 8-4:30.

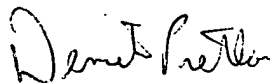
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Demetrius R. Pretlow

Patent Examiner



12/28/04



John Barlow
Supervisory Patent Examiner
Technology Center 2800